

## **Remarks**

Applicant respectfully requests that this response be entered as it places all the claims in condition where they are patentable and/or it reduces or simplifies issues that may be appealed.

The previously filed amendment was objected to under 35 USC 132 as adding new matter. In response, the Applicant has cancelled the text asserted to be new matter. More particularly, in the specification, the paragraph found on page 18, lines 1-14, was amended such that the text "searching for and" of the phrase "searching for and referring to the data section " was deleted. The Applicant respectfully requests that the 35 USC 132 objection be withdrawn.

Claims 4-7, 24-25, 31, 37, 43-46, 53, 60, 63-64, 67-68, 73-74, 77, and 85-89 remain in this application. Claims 1-3, 8-23, 26-30, 38-42, 47-52, 54-59, 61-62, 65-66, 69-72, 75-76, and 78-84 have been canceled. The Office Action acknowledged that claims 85-89 are directed to allowable subject matter.

Claims 4, 24, 31, 43, 53, 60, 63, 67, 73, and 77 have been rewritten in independent form. In rewriting claims 4, 24, 31, 53, 60, 63, 73, and 77, amendments were made to text copied from base claims that replaced "searching for a specific data section" with "detecting a specific data section". In rewriting claims 43 and 67, amendments were made to text copied from base claims that replaced "searching for and referring to the data section " with "detecting and referring to the data section".

Claim 77 was further amended to include the recitation "the cryptographic information includes bit pattern information showing a certain bit sequence", and to replace "the reference and detect instructions are performed" with "the decryption apparatus performs operations indicated by the reference instruction and the detect instruction."

Claims 1-84, of which claims 4-7, 24-25, 31, 37, 43-46, 53, 60, 63-64, 67-68, 73-74, 77 remain, were rejected under 35 USC 112 as containing subject matter not described in the specification as filed. The amendments described above replacing "searching for" with "detecting" overcomes this rejection, and the Applicant respectfully requests that the rejection be withdrawn. Support for inclusion of the "detecting" language is found at least in claim 4 as filed (reciting "the part

specifying means detects, in the content data, bit data that matches the bit sequence shown in the bit pattern information, and uses a location of the bit data as a basis for specifying the certain part, the certain part having a fixed positional relationship to the bit data"), and in the portions of the specification as filed that discuss header detection such as on or about pages 40 and 50.

As the 35 USC 112 rejections of claims 1-84 was the only rejection of claims 6, 7, 45, 46, and 64, and as the 112 rejection of claims 1-84 has been overcome by amendment herein, claims 6, 7, 45, 46, and 64 should now be in form for allowance.

Claim 77 was rejected under 35 USC 112 as being indefinite for reciting "the certain bit sequence", and "the bit pattern information". This rejection is moot in light of the amendment to claim 77 that adds the recitation "the cryptographic information includes bit pattern information showing a certain bit sequence". As such, the Applicant respectfully requests that the rejection be withdrawn.

Claims 42-44 and 67-68 were rejected under 35 USC 102(b) as being anticipated by Yorke-Smith (US5548648). Claims 4-5, 73-74, and 77 were rejected as being unpatentable over Yorke-Smith in view of Glover (US6052780). Claims 24-25, 53, and 60 were rejected as being unpatentable over Yorke-Smith in view of Glover, and further in view of Kelly (US5475757). Claims 31, 37, and 63 were rejected as being unpatentable over Yorke-Smith in view of Cornaby et al. (US5875349, "Cornaby"). The Applicant respectfully traverses as the cited references do not teach or suggest, either individually or in combination, all of the recitations of any of the rejected claims.

Claim 4 recites in part: "the part specifying means detects, in the content data, bit data that matches the bit sequence shown in the bit pattern information, and uses a location of the bit data as a basis for specifying the certain part, the certain part having a fixed positional relationship to the bit data." The Office Action asserts that the start position (S) of Yorke-Smith corresponds to the recited "bit sequence" and "bit pattern information", and that the other recitals of claim 4 are found in column 5, lines 23-37 and column 6, lines 1-5 of Yorke-Smith.

However, the start position (S) of Yorke-Smith is a randomly chosen offset value [see Yorke-Smith, column 6, lines 19-21, and Table 1 (both describing start as a start position, and using the

value of start as an offset into the "data" array)], and is used to identify a position address, not a bit pattern that has a match in the content data. As an example, if  $S=4$ , Yorke-Smith performs an encode or decode operation beginning at data[4], but does not search data[] for a bit sequence that matches "4". As such, Yorke-Smith does not satisfy the recitation of claim 4, and none of the other references make up for the inadequacy of Yorke-Smith. Thus, claim 4, and claims 5-7 which depend on claim 4, are patentable over the cited references. The Applicant respectfully requests that the rejection of claims 4-7 be withdrawn.

Similar or identical recitations to the recitation discussed in regard to claim 4 are found in claims 24, 43, 53, 60, 67, 73. As such, claims 24-25, 43-46, 53, 67-68, 73-74 are patentable over the cited references. The Applicant respectfully requests that the rejection of claims 24-25, 43-46, 53, 67-68, 73-74 be withdrawn.

Claim 31 recites in part "the part specifying means detects, in the content data, a sync pattern corresponding to the bit sequence shown in the sync pattern information, and uses a location of the sync pattern as a basis for specifying the certain part, the certain part having a fixed positional relationship to the sync pattern...." The Office Action asserts that the start position (S) of Yorke-Smith corresponds to the recited "sync pattern", "bit pattern", and "sync pattern information", and that the other recitals of claim 31 are found in column 5, lines 23-37 and column 6, lines 1-5 of Yorke-Smith.

However, as discussed in regard to claim 4, the start position (S) of Yorke-Smith is a randomly chosen offset value. It is not bit sequence matching a sync pattern in the sync pattern information. As such, Yorke-Smith does not satisfy the recitation of claim 31, and none of the other references make up for the inadequacy of Yorke-Smith. Thus, claim 31, and claims 32-37 which depend on claim 31, are patentable over the cited references. The Applicant respectfully requests that the rejection of claims 31-37 be withdrawn.

Claim 63 includes a recitation similar to that discussed in regard to claim 31. As such, claims 63 and 64 are patentable over the cited references, and the Applicant respectfully requests that the rejection of claims 63 and 64 be withdrawn.

Claim 77 recites in part: "a detect instruction for detecting, from the content data, bit data that matches the certain bit sequence shown by the bit pattern information" The Office Action asserts that the start value (S) corresponds to the recited detect instruction. However, an offset value is not an instruction. Moreover, as previously discussed, Yorke-Smith and the other cited references do not teach or suggest detecting a bit pattern that matches the start value (S). As such, claim 77 is patentable over the cited references.

It is believed that the case is now in condition for allowance, and an early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 10, 2005.


By: Rachel Carter

Rachel Carter  
Signature

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Very truly yours,

**SNELL & WILMER L.L.P.**

  
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